HIGH COURT OF UTARANCHAL AT NAINITAL

A.O. No. 277 of 2006

With

Interim Relief Application NO.5454/06

1. Sri Umesh Chandra Sah S/o Sri Thakur Dass Sah alias Thakur Chandra Sah R/o Khazanchi Mohalla Almora, Town Almora, Tehsil and District Almora.
2. Smt. Maya Devi Sah D/o Sri Thakur Dass Sah alias Thakur Chandra Sah W/o Sri Nand Lal Sah R/o Indra Niwas, Mohalla Gangola, Town Almora, Tehsil and District- Almora. ....Appellants

Vs

1. Sri Bhupal Singh Bisht S/o Sri Chandra Singh Bisht R/o Prim Rose Compound, Tallital Nainital.
2. Sri Tara Chandra Sah S/o Sri Thakur Dass Sah. Alias Thakur Chandra Sah R/o Khanzanchi Mohalla, Almora, Town Almora, Teshil And District- Almora. ....Respondents

Sri P.B. Goswami learned counsel for the appellants.
Sri Sharad Sharma learned counsel for the respondents.

Dated: -10-05-2006

Hon'ble B.S. Verma , J.

Heard Sri P.B. Goswami learned counsel for the appellants and Sri Sharad Sharma learned counsel for the respondents.

This appeal has been filed against the impugned order passed by the Civil Judge (S.D) dated 13-4-2006 whereby the application 7© for temporary injunction has been rejected after hearing both the parties.

The suit was filed by the appellant against the respondent Sri Bhupal Singh and Sri Tara Singh for declaration to the effect that the sale deed may be treated of 1/3rd share on behalf of Tara Chand and for permanent injunction also.

Both the parties have agreed that the suit be decided within a stipulated period. The prayer is innocuous.

The Civil Judge (S.D.) is directed to decided the Original Suit No.122 of 2005 Sri Umesh Chandra Sah and others Vs. Sri Bhupal Singh Bisht and others preferably within a period of six months from the date of production of the certified copy of this order, the parties shall cooperate in the expeditious disposal of the case.

However, in the meantime the respondent shall not create third party interest in the suit property till the final decision of Suit.

In view of the above, the appeal is disposed of finally.

(B.S. Verma,J)

Dated:10-5-2006

M.K.